

Town Board Minutes

**Meeting
No. 24**

Regular Meeting

July 21, 1997

MEETINGS TO DATE 24
NO. OF REGULARS 14
NO. OF SPECIALS 10

Page 520
LANCASTER, NEW YORK
JULY 21, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 21st day of July 1997 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matters:

- Fire Calls during 1997 to the Tops Warehouse.
- A sign that Wick's Used Car lot is erecting at the corner of Genesee Street and Stony Road

Beilman, Jack, 19 Inwood Place, spoke to the Town Board on the following matters:

- The impact of total taxes on the price of homes.
- The unequal application of flood plain rules as applied to various building permits for homes on Stony Road.

Dale, David, 5121 William Street, spoke to the Town Board on the following matter:

Objected to the auction of 16 lots within Hunters Creek North Subdivision by the developer Burke Brothers. Asked the Town Board to stop the auction.

Gull, Henry, 710 Pavement, spoke to the Town Board on the following matter:

Public input into the planning of a North/South relief corridor east of Transit Road.

Czajka, Joseph and Dorothy, 151 Schwartz Road spoke to the Town Board on the following matter:

An amendment to the zoning ordinance that would require a fence to be consistently painted the same on both sides in order to eliminate "grudge" fences.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

The unequal application of flood plain rules as applied to various building permits for homes on Stony Road.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- The enforcement of deed restrictions in subdivisions.
- Water pressure on Nichter Road.

Everts, Douglas, 2 Eastwood Pkwy, spoke to the Town Board on the following matter:

Inquired about construction and land clearing activities at the northeast corner of Transit Road and William Street.

Konst, Harry, 3803 Bowen Road, spoke to the Town Board on the following matter:

Adoption of a suspended resolution or receipt of some assurance from the Town Board that they would look favorably and act expeditiously on an amended site plan for the AHEPA #91 Senior Housing Project.

Sherlein, Jack and Shirley, 5 Alyssum Court, spoke to the Town Board on the following matter:

Urged the Town Board to move slowly and examine carefully any amended site plan for the AHEPA #91 Senior Citizen Complex.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

The glut of houses on the Lancaster market providing a market for lower cost housing.

Tworek, Hank, 8 Primrose Lane, spoke to the Town Board on the following matter:

Urged the Town Board to move slowly and examine carefully any amended site plan for the AHEPA #91 Senior Citizen Complex.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER MILLER TO WIT:

RESOLVED, that the minutes from the Special Meeting of the Town Board held June 27, 1997, and the Joint Meeting of the Town Board and the Planning Board held on July 7, 1997, and the Regular Meeting of the Town Board held on July 7, 1997, and the Special Meeting of the Town Board held July 15, 1997, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER, TO WIT:

WHEREAS, Cost Control Associates, Associated Energy & Telecommunication Consultants, has submitted a proposal to the Town Board to provide certain specialty auditing and consulting utility services to the Town of Lancaster on a contingency basis, and

WHEREAS, said consultants have performed said service for various businesses within the State of New York resulting in refunds of overcharges to said municipalities,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the Supervisor to enter into a Client Agreement with Cost Control Associates for the purpose of providing certain specialty auditing and consulting utility services to the Town of Lancaster on a contingency basis,
2. That the Town of Lancaster hereby authorizes a fee in the amount of fifty percent (50%) of the amount of past overcharges credited to or collected by the Town of Lancaster to be paid to said firm for the audit services, and
3. That in the event the Town of Lancaster does not obtain a refund or credit as a result of this audit, that no fee at all be paid to Cost Control Associated Energy & Telecommunication.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 1997

File: Rutilty

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL
MEMBER MONTOUR TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster desires to create the position of Youth Court Coordinator in the Department of the Youth Bureau of the Town of Lancaster, and

WHEREAS, the Town of Lancaster has been awarded a New York State grant through the Division of Criminal Justice Services in the amount of \$26,500.00 with a local match of \$8,833.00 for a project total of \$35,333.00,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and sign Form PO-17 (New Positions Duties Statement) for the purpose of obtaining the appropriate service title for the position of Youth Court Coordinator in the Department of the Youth Bureau of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 1997

File: RPERS.CRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPNIAK , TO WIT:

WHEREAS, the Lancaster Central School District has conferred with the Town
of Lancaster in regard to the Town of Lancaster Highway Department resurfacing
tennis/handball courts at Hillview School, and

WHEREAS, the School District would pay to the Town Highway Department
under this Intermunicipal Agreement, the cost of material and personnel services, and

WHEREAS, such Intermunicipal Agreements are authorized under Article 5-G
of the General Municipal Law, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public
interest to enter into this Agreement;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes
the Supervisor of the Town of Lancaster to execute an Intermunicipal Agreement with Lancaster
Central School District for the resurfacing of tennis/handball courts at the Hillview School, the
terms and conditions of the Agreement to be as approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 1997

File: ralsdtct

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster recently sought proposals for the Town's insurance program, and

WHEREAS, a review of the proposals submitted resulted in a determination that the Town of Lancaster can save in excess of \$16,000 per year on the Town's insurance package by electing to take coverage under the proposals submitted by Lawley Services, while at the same time increasing some of the coverage elements, and

WHEREAS, the Town Board, after due review and consideration, deems it in the public interest to award the renewal of the Town of Lancaster property and liability coverage to Lawley Services to effectuate a cost savings to the taxpayers;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the renewal of the Town's property and liability insurance coverage in accordance with the proposal submitted by Lawley Services, 120 Delaware Avenue, Buffalo, New York 154202, effective July 19, 1997 and authorizes the Supervisor of the Town of Lancaster to execute an Agreement on behalf of the Town for that insurance proposal.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 1997

File: rinsprop

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GIZA. WHO MOVED ITS
 ADOPTION. SECONDED BY COUNCIL
 MEMBER MONTOUR . TO WIT:

WHEREAS, the Director of Administration and Finance, by memorandum dated July 17, 1997, has outlined the need for various adjustments to the 1997 Adopted Budget of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the following line item transfers be and are hereby approved in the 1997 adopted budget of the Town of Lancaster.

<u>FUND APPROPRIATIONS</u>	<u>DECREASE</u>	<u>INCREASE</u>
General Fund		
A9730.701 B.A.N. Interest	\$6,439.00	\$
A1990.411 Contingency Account	2,955.00	
A9050.806 Unemployment Expense		2,423.00
A1620.422 Buildings, Oxford Park Water Line		<u>6,971.00</u>
General Fund Totals:	\$9,394.00	\$9,394.00
General Fund - Town Outside Villages:		
B1990.411 Contingency Account	\$4,010.00	
B9050.806 Unemployment Expense		<u>4,010.00</u>
General Fund - Town Outside Villages Fund Totals:	\$4,010.00	\$4,010.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 1997

File: racetran (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

Page 528

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 14944 to Claim No. 15205 Inclusive

Total amount hereby authorized to be paid: **\$801,816.77**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

July 21, 1997

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for the construction of Phase II of the Water System Improvements project (Pleasant View Drive, Transit Road north to Genesee Street and Genesee Street east to Harris Hill Road);

WHEREAS, bids were received, opened and reviewed on July 10, 1997, and

WHEREAS, by letter dated July 15, 1997, Hayden\Wegman, Consulting Engineers has recommended award of the Contract to CMH Co., Inc., 2067 Old Union Road, Cheektowaga New York, in the amount of \$513,425.00 said bid being the lowest responsible bid for said project;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the Contract for the construction of Phase II of the Water System Improvements to CMH Co., Inc., 2067 Old Union Road, Cheektowaga, New York 14227 in the amount of \$513,425.00, being the lowest responsible bidder in conformance with the specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

July 21, 1997

File: rabdwtr.ph2

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK , WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR . TO WIT:

WHEREAS, the New York State Dormitory Authority has noticed the Town of Lancaster that it desires to act as lead agency on the financing aspect of the proposed Niagara Lutheran Nursing Home (Greenfield) to be located on the south side of Broadway, east of the intersection with Bowen Road, and

WHEREAS, the Town of Lancaster has previously completed a SEQR review of the rezone and site plan for this proposed facility and provided same to the Dormitory Authority, and

WHEREAS, after due consideration the Town Board of the Town of Lancaster has no objection to the New York State Dormitory Authority acting as lead agency on the financing for the project;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to notify the New York State Dormitory Authority that the Town has no objection to that agency acting as lead agency on the financing aspect of the project and agrees to the Dormitory Authority so acting.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

July 21, 1997

File: rgrfldnl

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

Resolution of the Town Board of the Town of Lancaster, adopted July 21, 1997, providing for the leasing of a portion of the Town Hall, consisting of the Second Floor commonly known as "The Opera House", together with other areas of the Town Hall for exclusive use and joint use and access to the leased premises, particularly described in Exhibit "A" of said Lease, on file with the Town Clerk, from July 1, 1997 to June 30, 2002, with annual rental therefor to be ten percent (10%) of net profits from the operation of the "Opera House" payable annually by August 1st of each year.

WHEREAS, the LANCASTER NEW YORK OPERA HOUSE, INC. has been duly incorporated to, among other things, manage, administer, operate and oversee the facility commonly referred to as the OPERA HOUSE, located at 21 Central Avenue, Lancaster, New York with its functions further described in its Certificate of Incorporation, and

WHEREAS, OPERA HOUSE, INC. has raised, appropriated and furnished funds from public contributions in excess of Fifty Thousand Dollars (\$50,000.) for the renovation, acquisition of personal property and design services jointly with the Town of Lancaster for the restoration, improvement and furnishings necessary to the full operation of the facility referred to as the OPERA HOUSE, located in the Town Hall, as aforesaid, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to lease the facility known as the OPERA HOUSE, to OPERA HOUSE, INC., in order to make said facility as widely available to the residents of the Town of Lancaster as possible, and

WHEREAS, a Lease for the period from July 1, 1997 to June 30, 2002 has been negotiated by and between the Town of Lancaster and the LANCASTER OPERA HOUSE, INC.;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor be and hereby is authorized and directed to execute a Lease with LANCASTER NEW YORK OPERA HOUSE, INC. For a portion of the Town Hall, consisting of the Second Floor, commonly known as the "OPERA HOUSE", together with other areas of the Town Hall, for exclusive use and joint use and access to the leased premises, particularly described in Exhibit "A" of said Lease:

2. That this resolution shall take effect thirty (30) days after its adoption, unless within thirty (30) days, a petition shall be filed in accordance with Section 64 (2) of the Town Law of the State of New York, against the resolution and requesting it be submitted to the electors for their approval or disapproval.

3. This resolution shall be published in the Lancaster Bee and posted according to Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

July 21, 1997

File: rlophs

LEGAL NOTICE
NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO
PERMISSIVE REFERENDUM
TOWN OF LANCASTER, NEW YORK

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

Resolution of the Town Board of the Town of Lancaster, adopted July 21, 1997, providing for the leasing of a portion of the Town Hall, consisting of the Second Floor commonly known as "The Opera House", together with other areas of the Town Hall for exclusive use and joint use and access to the leased premises, particularly described in Exhibit "A" of said Lease, on file with the Town Clerk, from July 1, 1997 to June 30, 2002, with annual rental therefor to be ten percent (10%) of net profits from the operation of the "Opera House" payable annually by August 1st of each year.

WHEREAS, the LANCASTER NEW YORK OPERA HOUSE, INC. has been duly incorporated to, among other things, manage, administer, operate and oversee the facility commonly referred to as the OPERA HOUSE, located at 21 Central Avenue, Lancaster, New York with its functions further described in its Certificate of Incorporation, and

WHEREAS, OPERA HOUSE, INC. has raised, appropriated and furnished funds from public contributions in excess of Fifty Thousand Dollars (\$50,000.) for the renovation, acquisition of personal property and design services jointly with the Town of Lancaster for the restoration, improvement and furnishings necessary to the full operation of the facility referred to as the OPERA HOUSE, located in the Town Hall, as aforesaid, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to lease the facility known as the OPERA HOUSE, to OPERA HOUSE, INC., in order to make said facility as widely available to the residents of the Town of Lancaster as possible, and

WHEREAS, a Lease for the period from July 1, 1997 to June 30, 2002 has been negotiated by and between the Town of Lancaster and the LANCASTER OPERA HOUSE, INC.:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor be and hereby is authorized and directed to execute a Lease with LANCASTER NEW YORK OPERA HOUSE, INC. For a portion of the Town Hall, consisting of the Second Floor, commonly known as the "OPERA HOUSE", together with other areas of the Town Hall, for exclusive use and joint use and access to the leased premises, particularly described in Exhibit "A" of said Lease:

2. That this resolution shall take effect thirty (30) days after its adoption, unless within thirty (30) days, a petition shall be filled in accordance with Section 64 (2) of the Town Law of the State of New York, against the resolution and requesting it be submitted to the electors for their approval or disapproval.

3. This resolution shall be published in the Lancaster Bee and posted according to Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

July 21, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK . WHO MOVED
 ITS ADOPTION. SECONDED BY COUNCIL
 MEMBER MILLER . TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby
 approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
 waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

<u>No.</u>	<u>Code Applicant</u>	<u>Street Address</u>	<u>Structure</u>
4352	Brian Schiefer	5849 Broadway	Alt. Sin. Dwlg
4353	John Murray	1122 Penora St	Er. Garage
4354	Dennis Dwyer	5219 Genesee St	Er. Pool
4355	Homestead Bldrs	230 Pavement Rd	Er. Sin. Dwlg
4356	William Wiegand	136 Belmont Ave	Er. Fence
4357	Marrano/Marc Equity	3 Riemers Ave	Er. Sin. Dwlg
4358	Darlene & Bill Larson	7 Riemers Ave	Er. Fence/Deck
4359	Lovejoy Bldrs Inc	4797 William St	Ex. Sin. Dwlg
4360	Ferry Bldrs Inc	16 Katelyn Ln	Er. Sin. Dwlg
4361	Epic Capital Corp	2793 Wehrle Dr	Er. Open Air Ctr.
4362	Dave Hokaj	25 Michael's Wlk	Er. Shed
4363	Essex Homes	318 Enchanted Fst N	Er. Sin. Dwlg
4364	Michael Griffin	34 Village View	Ex. Sin. Dwlg
4365	Superior Exteriors	80 Michael's Wlk	Er. Patio Enclosure
4366	Patrick Development	309 Enchanted Fst N	Er. Sin. Dwlg
4367	Geraci	18 Michael Anthony	Er. Deck
4368	Richard Solly	70 Simme Rd	Dem. Barn
4369	James MacKin	22 Simme Rd	Er. Shed
4370	Don Harder	14 Hunters Dr	Er. Deck
4371	Ryan Homes	40 Village View	Er. Sin. Dwlg
4372	Caesar Tucci	8 Hampton Ct	Er. Pool

4373	Joe Pesany	37 Stony Brook Dr	Er. Deck
4374	ADF Construction Corp	5949 Broadway	Er. Nursing Home
4375	Donato Developers Inc	3 Cobblestone Ct	Er. Sin. Dwlg
4376	Advanced Thermal Systems	15 Enterprise Dr	Er Decks
4377	Warren L Hayes	5 Sugarbush Ln	Er. Pool
4378	Lori Donnelly	109 Michael's Wlk	Er. Deck
4379	Thomas Vilardo	20 Plumb Creek Tr	Er. Shed
4380	Thomas Cook	36 Village View	Er. Shed
4381	Capretto Homes	5 Clermont Ct	Er. Sin. Dwlg
4382	Forbes Homes Inc	132 Siebert Rd	Er. Sin. Dwlg
4383	Forbes Homes Inc	43 Creekwood Dr	Er. Sin. Dwlg
4384	Forbes Homes Inc	45 Creekwood Dr	Er. Sin. Dwlg
4385	John Shoff	8 Windsor Ridge	Er. Fence/Pool
4386	Patrick Young	710 Schwartz Rd	Er. Pool
4387	Paul LeBlanc	61 Pleasant View Dr	Dem/Er Garage
4388	Ronald Babcock	966 Erie St	Ex. Barn

and.

BE IT FURTHER

RESOLVED, that Building Permit No. 3916 previously tabled, applied for by Besroi Construction to erect a warehouse on 5434 Genesee Street, be and is hereby approved, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 1997

PREFILED RESOLUTION NO. 12 - MEETING OF 7/21/97

12. Stempniak/_____ Approve Site Plan Basil Chevrolet

The request of Council Member Stempniak, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, GEORGE E. O'NEIL, 111 Nichter Road, Lancaster, New York 14086, has submitted a Site Plan received June 18, 1997, for the construction of eleven (11) Single Family Patio Homes (D'Aprile Springs) on property located on the north side of Nichter Road, east of Cemetery Road (92 Nichter Road) in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and by letter dated July 2, 1997, recommended approval of this project, subject to certain conditions;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by GEORGE E. O'NEIL for construction of eleven (11) Single Family Patio Homes (D'Aprile Springs) on property located on the north side of Nichter Road, east of Cemetery Road (92 Nichter Road), in the Town of Lancaster, with plan prepared by Nussbaumer and Clarke, Inc., and received June 18, 1997, subject to the following conditions:

- Parking shall be only allowed on one side of the street; and
- Street width shall be Twenty-four (24) feet, in accordance with the letter of the fire chief of Town Line Volunteer Fire Department, Inc., dated July 7, 1997.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

July 21, 1997

File: rasitonl

Council Member Stempniak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously approved the Site Plan for Lancaster Community Baptist Church by resolution dated April 21, 1997, and

WHEREAS, Lancaster Community Baptist Church has submitted a Revised Site Plan dated July, 1997, due to the fact that the proposed church facility and parking lot have been relocated on said property to avoid wetland areas, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed this revised plan and has no objection thereto,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby re- approves the amended Site Plan dated July, 1997 submitted by Lancaster Community Baptist Church for the construction of a Church facility on property located west side of Ransom Road, north of Broadway, in the Town of Lancaster, with plans prepared by Nussbaumer & Clarke, Inc., dated April, 1997, and revised July, 1997, and

2. That the additional site plan review fee, as set forth in the Code of the Town of Lancaster for revised site plans be and is hereby waived due to the minimal nature of those items changed in this site plan.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 1997

File: rsitlbch.721

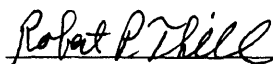
COMMUNICATIONS:

- 482. Building Inspector to Dicom Construction, Inc. -
Directive re: activation of fire hydrant in rear of Foreststream Plaza. DISPOSITION: Town Attorney, Building Inspector, Supervisor
- 483. Town Line VFD Chief to Building Inspector -
Comments re: width of road for safe access for fire apparatus within D'Aprille Springs development on Nichter Rd. DISPOSITION: Police Chief
- 484. Gulf Risk Services, Inc. to Town Clerk -
Explanation of determination re: claim of Moe vs Town of Lancaster. DISPOSITION: Supervisor, Town Attorney
- 485. NYSDOT to Supervisor -
Notice of preconstruction meeting to be held 7/10/97 in Buffalo re: reconstruction on Route 20/78 and replacement of bridge over Cayuga Creek. DISPOSITION: Received & Filed
- 486. Assoc. of Erie County Governments to Supervisor -
Notice of Annual Golf Outing to be held 7/17/97 in Colden. DISPOSITION: Received & Filed
- 487. Arlene Wierzbowski to Supervisor -
Letter of appreciation to Supervisor and General Crew Chief for removal of tree on Broadway. DISPOSITION: Received & Filed
- 488. South East Community Work Center, Inc. to Supervisor -
Notification of receipt of donation with expression of appreciation for support. DISPOSITION: Received & Filed
- 489. NYS Dept. Of Health to Supervisor -
Notice of public hearings and application workshops for the Drinking Water State Revolving Fund Draft Intended Use Plan. DISPOSITION: Received & Filed
- 490. NFTC to Supervisor -
Transmittal of copy of draft scope of work re: Lancaster Corridor Study with request for meeting. DISPOSITION: Town Engineer
- 491. Planning Board to Town Board -
Minutes from meeting held 7/2/97. DISPOSITION: Received & Filed
- 492. Supervisor to Town Board -
Notice that authorization was given to award the bid for the Town's property and liability insurance program to Lawley Service. DISPOSITION: Received & Filed
- 493. Mayor of Buffalo to Supervisor -
Notification of rescheduled meeting re: regional strategies to be held 7/14/97. DISPOSITION: Received & Filed
- 494. Town Justices to Supervisor -
Notification of change in court reporters. DISPOSITION: Received & Filed
- 495. Donald Gallo, Consulting Engineer, to Amherst Supervisor -
Prospectus of services. DISPOSITION: Received & Filed
- 496. WNY Developmental Disabilities Services Office to Supervisor -
Notification that the Western New York DDSO will proceed to move toward development of property for the establishment of a community residential facility located at 3650 Walden Ave. DISPOSITION: Supervisor, Town Attorney
- 497. American Ref-Fuel to Supervisor -
Notification of 1998 price adjustment. DISPOSITION: Supervisor
- 498. M/M Ronald Krzanowicz, 145 Nichter Rd., to Leg. Dale Larson -
Request investigation into water pressure on Nichter Rd. DISPOSITION: Town Engineer
- 499. NYSDOT to Town Clerk -
Designation of Transit Road between French and Broadway as a restricted highway until 12/31/98. DISPOSITION: Town Engineer, Highway Committee
- 500. Town Clerk to Building Inspector -
Advisement re: fee for revised site plan submitted by Lancaster Community Baptist Church. DISPOSITION: Received & Filed

501. Council Member Montour to Assemblywoman Sandra Lee Worth -
Comments with offer of assistance in endeavor to reduce tax burdens on residents re:
Lancaster School budget. DISPOSITION: Received & Filed
502. Council Member Montour to Senator Dale Volker -
Comments with offer of assistance in endeavor to reduce tax burdens on residents re:
Lancaster School budget. DISPOSITION: Received & Filed
503. Youth Bureau Ex. Dir. to Town Board -
Request preparation of Form PO-17 New Position Duties Statement For Youth Court
Coordinator. DISPOSITION: Received & Filed
504. Jim/Lola Guenther to Town Board -
Comments re: statement made by Tops representative John Zimmerman at 7/7/97 board
meeting concerning rats at Tops warehouse site. DISPOSITION: Received & Filed
505. Town Attorney to Various Officials -
Notice of SEQR meeting to be held 7/21/97 re: Basil Chevrolet site plan. DISPOSITION:
Received & Filed
506. Town Clerk to Media -
Notice of SEQR meeting to be held 7/21/97 re: Basil Chevrolet site plan. DISPOSITION :
Received & Filed
507. Joseph Juszcak to Council Member Montour -
Request response to concerns re: culverts constructed over Scajaquada Creek.
DISPOSITION: Town Engineer
508. Town Attorney to Adelphia -
Transmittal of revised proposed CATV Franchise Agreement. DISPOSITION: Town
Attorney
509. Town Attorney to NYSDOT -
Transmittal of executed "Agreement of Adjustment" re: PIN 5111.62.22, Transit Road
DISPOSITION: Town Attorney
510. Hayden/Wegman to Town Engineer -
Recommend Water System Improvements, Phase II bid be awarded to CMH Company, Inc.
DISPOSITION: Received & Filed
511. ECDEP to Dep. Town Attorney -
Results of SEQR review of Basil Chevrolet site plan. DISPOSITION : Received & Filed
512. NYSDEC to Dep. Town Attorney -
Advisement re: SEQR review of Basil Chevrolet site plan. DISPOSITION: Received & Filed
513. Police Chief to Planning Board Chair. -
Notice of approval of No Bull Oil Change site plan. DISPOSITION: Received & Filed
514. Niagara Frontier Builders' Assoc. to Supervisor -
Expression of appreciation for assistance in making Horizons '97 Home Show successful.
DISPOSITION: Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE ENTIRE
TOWN BOARD AND CARRIED, the meeting was adjourned at 11:31 P.M.


Robert P. Thill, Town Clerk